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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,542	04/20/2001	William A. DeCormier	87326.1980	9267

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EXAMINER

LEE, BENNY T

ART UNIT PAPER NUMBER

2817

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

838542

Applicant(s)

De Cormier et al

Examiner

B. Lee

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4, 7, 8; 11-14, 17-19; 20-22 is/are rejected.
- ☒ Claim(s) 5, 6, 9, 10; 15, 16 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 5 July 2001 is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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The disclosure is objected to because of the following informalities: Page 8, lines 14-18; page 9, lines 2, 4; page 10, lines 4, 5: reference numbers designating the "elbow" are not consistent (e.g. (22, 24) at page 9, line 14 and page 10, lines 4, 5; (26, 28) at page 8, lines 17, 18 and page 9, line 2; (20, 22) at page 9, line 4. Clarification is needed. Page 10, line 3, note that "The" should be rewritten as --Referring to Fig. 1, the--; line 11, note that "The" should be rewritten as --Referring to Figs. 1 and 2, the--; line 18, note that reference to "coaxial line 13" and "elbow 26" is vague in meaning. Note that Figures 3 and 4 lack a detail description thereof.

Appropriate correction is required.

The drawings are objected to because of the following: In fig. 1, note that reference label "24" is found objectionable since the lead line therefore does not appear directed towards the "elbow" and one of the two reference labels "26" should correctly be --28--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telescoping tubes as recited in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claims 7, 8; 17, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, note that it is unclear which one of the "pair of coaxial lines" is intended by the recitation of "the coaxial line". Moreover, note that "the surrounded position" lacks strict antecedent basis.

In claims 8, 18 it is unclear whether the recitation of "hangers each supporting one coaxial line" is a proper characterization of the invention.

In claims 8, 17, 18, note that it is unclear which one of the "pair of coaxial lines" is intended by the recitation of "the coaxial line".

In claim 17, note that "the first coaxial line" lacks strict antecedent basis.

The following claims have been found objectionable for reasons set forth below:

At all occurrences throughout the claims, note that "the (two) coaxial lines" should be rephrased as --the pair of coaxial lines-- (e.g. columns 1, 2, 3, 5, 11-13, 15, 20).

In claim 1, note that "one coaxial line" should be rephrased as --one of said pair of coaxial lines--.

In claims 2, 12, 22, note that "an elbow" should be rephrased as --a respective elbow-- and "each" should be deleted.

In claims 4, 6, 14, note that "tying" (first occurrence) should be deleted as being unnecessary.

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In claim 16, note that "each" should be rewritten as --respective ones--.

In claim 20, note that "power" should correctly be --tower--.

In claims 20, 21, note that --height ^{with} respect to each other-- is suggested.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 7, 8; 11-14, 17, 18, 19; 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard, Jr. et al.

Bernard, Jr. et al discloses an antenna tower (2) having a feed transmission line (1) mounted thereto in a vertical alignment. Also, the transmission line further includes a horizontal alignment (3) which is connected to the vertical alignment (1) via an elbow section (5). As is evident from Fig. 2, the vertical feed transmission line (1) is supported relative to the top (24) of

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tower (2) through the use slip clamp (26) which permits vertical movement of the transmission line (1). An expandable element (i.e. spring 27) disposed along a first (vertical) portion of the transmission line connects the slip ring (26) to clamps (37) which are rigidly fixed to the transmission line at a second portion below the first portion. Moreover, as is evident from fig. 1, such support structure are near the elbow portion (5) of the feed transmission line. Accordingly, such a support arrangement provides for support of the transmission line while permitting vertical movement due to environmental factors such as expansion. Note from Fig. 9 that a dual transmission line arrangement is supported in the above described manner, where the clamps (37) ties together the dual transmission lines. However, Bernard, Jr. et al does not explicitly disclose that it's' transmission lines are coaxial cables.

Accordingly, ~~Although~~, realizing the dual transmission lines (1) of Bernard, Jr. et al as coaxial transmission lines would obviously been a substitution of art recognized transmission lines, especially since the generic nature of the Bernard, Jr. et al transmission lines would have suggested that any equivalent type of transmission line (e.g. coaxial cable, etc.) ^would have been usable therewith.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith and Sewell, Jr. et al both pertain to transmission lines supported on a tower to permit vertical movement thereof.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (703) 308-4902.

Benny Lee
BENNY T. LEE
PRIMARY EXAMINER
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